

UNITED STATES DISTRICT COURT  
FOR THE  
STATE OF VERMONT

ADAM JANKOWSKI,	*	
Plaintiff,	*	
	*	Case No. 2:22-cv-169-cr-kjd
v.	*	
	*	
CENTURION OF VERMONT, LLC; and	*	
MITCHELL MILLER, M.D.,	*	
Defendants.	*	

**PLAINTIFF’S MOTION TO COMPEL DISCOVERY AND ORDER SANCTIONS**

Now comes Plaintiff, by and through counsel, Costello, Valente & Gentry, P.C., and hereby moves, pursuant to F.R.C.P. 37, to Compel Defendants Centurion and Dr. Miller to complete discovery responses past due and Order sanctions including that Defendants have waived their opportunity to assert objections to the propounded discovery, attorneys fees and costs, and other relief that is just.

Plaintiff served Plaintiff’s First Set of Interrogatories, Requests to Produce, and Requests to Admit to both Defendant Centurion of Vermont, LLC., and Defendant Mitchell Miller on January 30, 2023. Anticipating having Defendants discovery responses, Plaintiff sought to schedule Dr. Miller’s deposition for the end of March. In mid-February, Defendants, through counsel, requested amending the discovery schedule to extend deadlines by a month; Plaintiff consented. No request was made about discovery responses.

On March 1, 2023, counsel for Defendants informed Plaintiff that discovery responses were slightly late as they were awaiting signatures. On March 13<sup>th</sup>, Plaintiff inquired when discovery responses would be provided. Not receiving any response, Plaintiff again inquired on March 15<sup>th</sup>. That same day, Defendants replied that responses would be provided soon. Hearing nothing further and with Dr. Miller’s deposition coming up, on March 22<sup>nd</sup>, Plaintiff requested that discovery responses be provided by the end of that week.

Receiving no response by March 27th, Plaintiff rescheduled Dr. Miller's deposition due to not having discovery responses and informed Defendants that discovery responses needed to be provided by March 31<sup>st</sup> or Plaintiff would file the instant motion.

Plaintiff still has not received discovery responses from either Defendants. Plaintiff certifies making a good faith effort to obtain discovery responses without court intervention as noted above. See affidavit.

### **Conclusion**

Wherefore, Plaintiff respectfully requests this Honorable Court Grant the instant Motion to Compel and Order Sanctions including a waiver of Defendants' objections to the prounded discovery, attorneys fees and costs, and other relief that is just

DATED this 21st day of April, 2023.

COSTELLO, VALENTE & GENTRY,  
P.C.  
Attorneys for Plaintiff

/s/ Zachary Hozid  
Zachary Hozid, Esq.  
COSTELLO, VALENTE & GENTRY,  
PC  
PO Box 483  
Brattleboro, VT 05302  
802-257-5533  
hozid@cvglawoffice.com